IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 6393 of 2007(S)

PETITIONER:

RAVIPANAKKAL,PANAKKAL HOUSE,
THIRUNELLOOR P.O.,THRISSUR DISTIRCT,
KERALA STATE,PIN-680 508.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS:
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1. STATE OF KERALA REP. BY ITS CHIEF SECRETARY TO GOVERNMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. SECRETARY TO GOVERNMENT, DEPARTMENT OF SOCIAL WELFARE, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C). NO. 6393 OF 2007 S

Dated this the 11th July, 2007

JUDGMENT

H.L.DATTU, C.J.

A tax payer is before us. He questions the inaction on the part of the respondents in constituting a Juvenile Justice Board under the provisions of Juvenile (Care and Protection of Children) Act, 2000 and Juvenile Justice (Care and Protection of Children) Rules, 2003. The prayers in the Writ Petition are as under:

> "i) issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to constitute/establish the authorities/facilities contemplated under Sections 8, 9, 29, 35, 39 etc. of the Juvenile (Care and Protection of Children) Act, 2000 and Rules 3, 8, 18, 29, 35, 40 etc. of the Kerala Juvenile Justice (Care and Protection of Children) Rules, 2003, forthwith;
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> ii) direct the 1st respondent to constitute a special team of efficient officers including police officers, under the chairmanship of the Hon'ble Chief Justice or one of the Senior Judge of this Hon'ble Court, to supervise and monitor the enquiry into the missing children of the State; and
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> iii) issue any such other writ, order or direction as this Hon'ble Court which may deem fit in the facts and circumstances of the case."

2. After receipt of the notice of the Writ Petition, the respondents have filed a detailed counter. In paragraph 3 of the counter, they have said that by Government Order dated 5th December, 2005, they have already constituted Juvenile Justice Boards in Kollam, Idukki, Ernakulam, Thrissur

and Kozhikode Districts. In paragraph 5 of the counter affidavit, they have said that after amending Rules 3 and 8, they would constitute Juvenile Justice Boards in the other districts of the Kerala State.

3. The assertion made by the respondents in the counter affidavit is not disputed by the learned counsel for the petitioner. In our opinion, in view of the orders passed by the State Government on 5.12.2005 and 8.2.2006, the reliefs sought for by the petitioner as on today do not survive for consideration of this Court. Accordingly, placing on record the affidavit filed by the respondents, this Writ Petition is disposed of as having become unnecessary.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/